

**17217. Misbranding of Lax. Cold Grippe tablets. U. S. v. 450,000 Tablets of Lax. Cold Grippe. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24442. I. S. No. 029532. S. No. 2683.)**

On January 17, 1930, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 450,000 Lax. Cold Grippe tablets at Memphis, Tenn., consigned by Strong-Cobb & Co., from Cleveland, Ohio, alleging that the article had been shipped from Cleveland, Ohio, on or about November 24, 1928, and transported from the State of Ohio into the State of Tennessee, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of acetanilide (1.85 grains per tablet), cinchonidine, and extracts of plant drugs including a laxative drug.

The article was labeled in part: (Metal container) "Lax. Cold Grippe;" (slip inside of container) "Refer to RX A. S. M. X. when reordering Special Cold and Grippe Tablets."

It was alleged in the libel that the article was misbranded in that the tablets contained acetanilide and the packages failed to bear a statement on the labels thereof of the quantity or proportion of acetanilide contained in the said tablets. Misbranding was alleged under section 8 of the act, paragraph 3, in the case of drugs in that the labels bore false statements of curative and therapeutic effects.

On February 26, 1930, the J. R. Watkins Co., Memphis, Tenn., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a good and sufficient bond, conditioned in part that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17218. Adulteration and misbranding of Vapo-Cresolene. U. S. v. 3 Dozen Large Bottles, et al., of Vapo-Cresolene. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24600. I. S. Nos. 030213, 030214. S. No. 2932.)**

On March 8, 1930, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 3 dozen large-sized bottles and 57 dozen small-sized bottles of Vapo-Cresolene, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Vapo Cresolene Co., New York, N. Y., alleging that the article had been shipped from New York, N. Y., on or about December 10, 1929, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of cresylic acid with small amounts of water and neutral coal-tar oil.

It was alleged in the libel that the article was adulterated in that it was sold under the following standard of strength, (bottle label, small size) "A teaspoonful of Cresolene to a quart of water makes a powerful liquid germicide and antiseptic wash," (carton, both sizes) "One teaspoonful of Cresolene to a quart of water, makes an inexpensive antiseptic solution of great strength and usefulness, to be used as an antiseptic wash for cuts, sores, ulcers, the disinfection of wounds, and where a germicide is required about the house," (carton, both sizes) "A germ destroying liquid to be vaporized," (circular, both sizes) "Inhalation treatment is an important means \* \* \* of bringing specific antiseptics to act upon and stop the growth of the germs of disease," whereas the strength of the article fell below such professed standard, in that it was neither germicidal nor antiseptic in the solution recommended.

Misbranding was alleged for the reason that the statements, (bottle label, small size) "A teaspoonful of Cresolene to a quart of water makes a powerful liquid germicide and antiseptic wash," (carton, both sizes) "One teaspoonful of Cresolene to a quart of water makes an inexpensive antiseptic solution of great strength and usefulness, to be used as an antiseptic wash for cuts, sores, ulcers, the disinfection of wounds, and where a germicide is required about the house," were false and misleading in that the article was neither germicidal

nor antiseptic in the solution recommended. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article, appearing in the labeling, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton, large and small sizes) "Whooping Cough, Spasmodic Croup, Bronchial Asthma, Coughs \* \* \* Bronchitis, Influenza \* \* \* for the relief of the paroxysms of Whooping Cough, Spasmodic Croup, Bronchial Asthma, Hay Fever, Influenza. For Nasal Catarrh, Sore Throat, Coughs \* \* \* Bronchitis, Broncho-pneumonia, and the bronchial complications of Scarlet Fever and Measles. In Diphtheria its use \* \* \* adds to the probability of a successful outcome. Vaporized Cresolene is a protection to those necessarily exposed to communicable diseases. \* \* \* One teaspoonful of Cresolene to a quart of water makes an inexpensive antiseptic solution of great strength and usefulness, to be used as an antiseptic wash for cuts, sores, ulcers, the disinfection of wounds, and where a germicide is required about the house. \* \* \* The use of vaporized antiseptic for certain inflammatory diseases of the air passages is a well recognized and valuable method of treatment. \* \* \* The air passages are then penetrated by the restorative vapor with every breath. Cresolene has been used since 1879 for the relief of the diseases for which it is recommended;" (carton, small size, additional statements) "A vapor treatment for Whooping Cough, Spasmodic Croup, \* \* \* Bronchial Asthma, Coughs \* \* \* Bronchitis, Influenza;" (bottle, large size) "A vapor treatment for Whooping Cough, Spasmodic Croup, Nasal Catarrh, \* \* \* Sore Throat, Bronchitis, Bronchial Complications of Measles, Bronchial Asthma and Hay fever;" (bottle, small size) "A vapor treatment for Whooping Cough, Spasmodic Croup, Nasal Catarrh, \* \* \* Sore Throat, Bronchitis, Broncho-Pneumonia, Bronchial Complications of Scarlet Fever and Measles, the Paroxysms of Asthma and Hay Fever, and \* \* \* in the treatment of Diphtheria;" (circular, large size) "For Whooping Cough, Spasmodic Croup, Bronchial Asthma, \* \* \* Coughs, Bronchitis \* \* \* The liquid is vaporized \* \* \* is carried through every passage, tube and cell of the breathing organs and produces a direct action on the very seat of the disease. \* \* \* is an important means of surely and readily treating many bronchial troubles and of bringing specific antiseptics to act upon and stop the growth of the germs of disease. \* \* \* it has obtained a prominent position in the treatment of Whooping Cough and Spasmodic Croup, it has also been found effective in treating other bronchial and nasal diseases, viz: Bronchitis, Coughs, Bronchial Asthma, Nasal Catarrh, Hay Fever, \* \* \* the bronchial complications accompanying Measles, and as a protection to those necessarily exposed to infectious diseases. \* \* \* for use about the body as in the washing of \* \* \* boils \* \* \* etc. \* \* \* Laboratory tests \* \* \* show that it kills the germs of Diphtheria, Typhoid Fever and the Pus germ. \* \* \* In Diseases of Animals. Vapo-Cresolene is very effective in the treatment of Distemper, Coughs and Colds in horses and dogs and Roup in Chickens, \* \* \* [German] Whooping Cough, Asthma, Spasmodic Croup, Dyspnoea, Catarrh, Bronchial Inflammation; [Italian, French, and Spanish] Whooping Cough, Spasmodic Croup, Asthma, Catarrh, Bronchitis;" (circular, small size) "For Whooping Cough \* \* \* Bronchial Asthma, Influenza, \* \* \* Bronchitis, Coughs \* \* \* The liquid is vaporized \* \* \* is carried through every passage, tube and cell of the breathing organs and produces a direct action on the very seat of the disease. \* \* \* is an important means of surely and readily treating many bronchial troubles and of bringing specific antiseptics to act upon and stop the growth of germs of disease. \* \* \* it has obtained a prominent position in the treatment of Whooping Cough and Spasmodic Croup, it has also been found effective in treating other zymotic diseases, viz: Bronchitis, Coughs, Bronchial Asthma, Nasal Catarrh, Hay Fever, Influenza, \* \* \* the bronchial complications accompanying Scarlet Fever and Measles, to relieve the difficulty of breathing and the coughing spells in Broncho-Pneumonia, and as a protection to those necessarily exposed to infectious diseases. \* \* \* one teaspoonful of Cresolene to a quart of water. \* \* \* This solution may be used as a healing and antiseptic wash for cuts, sores, ulcers, eruptions, heat rash, and for the disinfection of wounds. \* \* \* Laboratory tests \* \* \* show that it kills the germs of Diphtheria, Typhoid Fever and the Pus germ \* \* \* In Diseases of Animals. Vapo-Cresolene is very effective in the treatment of Distemper, Pneumonia, Coughs and Colds in horses and dogs and Roup in Chickens;" (circular, small size, in

German) "Whooping Cough, Asthma, Spasmodic Croup, Dyspnoea, Catarrh, Bronchial Inflammation. [Also statements similar to those quoted above];" (circular, small size, in Italian, French, and Spanish) "Whooping Cough, Spasmodic Cough, Asthma, Catarrh, Bronchitis. [Also statements similar to those quoted above, under circular, small size];" (circular, small size, testimonials) "Pertussis (Whooping Cough) \* \* \* An apparatus for vaporizing Vapo-Cresolene was \* \* \* employed, \* \* \* almost immediately the paroxysms were relieved. \* \* \* two cases well established, the paroxysms very frequent, and the children much exhausted. Several other children were coughing with that quick, percussive cough so characteristic of the first stage. The Vaporizers were started, and after forty-eight hours the paroxysms had ceased, no more whooping or vomiting; sleep was obtained. Though children were admitted to the institution who had not had the disease, no new cases broke out, and the epidemic was at an end. \* \* \* Unequaled in the treatment of Whooping Cough. \* \* \* It has a beneficial effect in allaying the irritation and desire to cough in Bronchitis. \* \* \* I have found it of such great value in cases of Whooping Cough, Croup and other spasmodic coughs \* \* \* Children suffering from such diseases can oftentimes be relieved by the use of the above apparatus. \* \* \* Our institution has recently passed through an epidemic of whooping cough. You \* \* \* furnished \* \* \* a supply of Cresolene \* \* \* The results have been good \* \* \* In some instances the whooping stage was aborted, in others the paroxysms were lessened in severity and frequency, in others the duration of attack shortened one or two weeks. \* \* \* I have used it in Croup and Bronchial troubles of different natures. \* \* \* During the past winter we had an outbreak of Whooping Cough at this Institution, having about sixty cases. They were all treated by inhalations, of your Vapo-Cresolene without other treatment. In these cases they all made uneventful recoveries without complications. I unhesitatingly recommend your preparation in Whooping Cough \* \* \* Practical Notes on the Prevention and Treatment of Diphtheria.—I have used with excellent results Vapo-Cresolene. \* \* \* I find your remedy to be the best I have ever tried in the treatment of Whooping Cough, Catarrhal Fever, Asthma, also for disinfecting rooms where Scarlet Fever and Diphtheria prevail. \* \* \* The lamp that is known as the Vapo-Cresolene lamp is of great benefit in Whooping Cough and will be found at times to relieve the coughing spells, particularly those that occur at night, of Bronchitis and Broncho-Pneumonia. \* \* \* I have found it very beneficial for my little ones with Whooping Cough and Influenza \* \* \* useful assistant whatever treatment may be used in the check and cure of the trying diseases for which it has been specially recommended. \* \* \* I used it for my little fellow when he had whooping cough, and the first night I lit it he slept through without a break. \* \* \* I have found the Vapo-Cresolene Vaporizer invaluable for the treatment of whooping cough and bronchitis. \* \* \* stopped my little son's continuous coughing in one night."

On March 31, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17219. Adulteration of culture A. *Bacillus bulgaricus*. U. S. v. 18 Bottles of Culture A. *Bacillus Bulgaricus*. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24401. I. S. No. 026663. S. No. 2647.)**

On December 30, 1929, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 18 bottles of culture A. *Bacillus bulgaricus* at Chicago, Ill., alleging that the article had been shipped by the Ferment Co., from New York, N. Y., November 12, 1929, and transported from the State of New York into the State of Illinois, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Culture A. *Bacillus Bulgaricus* (Metchnikoff) *Bacillus Acidophilus*."

Examination of a sample of the article by this department showed that the article contained not more than 100,000 viable lactobacilli per cubic centimeter.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard under which it was sold, to wit, "Culture \* \* \* *Bacillus Bulgaricus* \* \* \* *Bacillus Acidophilus*."